

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAMERIAL BENSON

PLAINTIFF

v.

CIVIL ACTION NO. 3:23-cv-564-TSL-RPM

**HIGHER EDUCATION LOAN
AUTHORITY OF THE STATE OF
MISSOURI d/b/a MOHELA
NAVIENT CORPORATION;
CONDUENT EDUCATION SERVICES, LLC
f/k/a ACS EDUCATION SERVICES, INC.**

DEFENDANTS

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Navient Corporation (“Navient”) files this Notice of Removal of the civil action styled *Jamerial Benson v. Higher Education Loan Authority of the State of Missouri, et al.*, from the Circuit Court of Madison County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division. In support of this Notice, Navient states the following:

1. Plaintiff filed this lawsuit on March 3, 2023. He alleges that the various Defendants failed to properly apply payments made on his federal student loans.
2. This case was not initially removable as the amount in controversy was not facially apparent, but it has subsequently become removable pursuant to 28 U.S.C. § 1446(b)(3) following Plaintiff’s responses to Navient’s Requests for Admission.
3. This removal is made within thirty days of that service, rendering this removal timely under 28 U.S.C. § 1446(b)(3).

4. Venue is proper in the United States District Court for the Southern District of Mississippi, Northern Division, because that is the district in which the state court action was filed. *See* 28 U.S.C. §§ 1446(a), 104(b)(1).

5. The Court has diversity jurisdiction over this matter under 28 U.S.C. § 1332 because (1) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs; and (2) there is diversity of citizenship between Plaintiff and the Defendants.

6. The amount in controversy requirement is satisfied. Though not apparent from the face of the Complaint, Plaintiff's responses to Navient's Requests for Admission confirm that the amount in controversy requirement is met. *See* Plaintiff's Responses to Navient's Requests for Admission, attached as Exhibit A.

7. Diversity of citizenship exists because all Defendants are diverse from the Plaintiff.

8. Plaintiff is a resident of Marion County, Mississippi. Compl. ¶1.

9. Navient is a Delaware corporation with its principal place of business in Delaware.

10. Higher Education Loan Authority of the State of Missouri d/b/a MOHELA ("MOHELA") is a public instrumentality and a body politic and corporate of the state of Missouri.

11. Conduent Education Services, LLC f/k/a ACS Education Services, Inc. ("CES") is a Delaware Limited Liability Company whose sole member is Conduent Business Services, LLC. Conduent Business Services, LLC's sole member is Conduent Incorporated, which is a New York corporation with its principal place of business in Florham Park, New Jersey.

12. Co-defendants MOHELA and CES consent to this removal.

13. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 5(b), a copy of all process, pleadings, and orders served on Navient and/or the entire state court record are attached as composite Exhibit B.

14. For these reasons, this Court has diversity jurisdiction under 28 U.S.C. § 1332, and removal is proper under §§ 1441 and 1446.

This, the 29th day of August, 2023.

Respectfully submitted,

NAVIENT CORPORATION

By Its Attorneys,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: /s/ R. Christopher White
R. CHRISTOPHER WHITE

OF COUNSEL:

J. Carter Thompson, Jr. (MSB # 8195)

cthompson@bakerdonelson.com

R. Christopher White (MS Bar No. 105509)

rcwhite@bakerdonelson.com

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, PC

MAILING: Post Office Box 14167

Jackson, Mississippi 39236-4167

PHYSICAL: One Eastover Center

100 Vision Center, Suite 400

Jackson, MS 39211-6391

Telephone: (601) 351-2400

Facsimile: (601) 351-2424